

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Magistrate Docket No.

08 APR 2010 10:56
'08 MJ 1285
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff,

COMPLAINT FOR VIOLATION *OF*:

V.

Title 8, U.S.C., Section 1326

Deported Alien Found in the United States

Defendant

The undersigned complainant, being duly sworn, states:

On or about **April 23, 2008** within the Southern District of California, defendant, **Miguel Angel AVILA-QUEZADA**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th DAY OF APRIL, 2008

J. M. Adler

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Miguel Angel AVILA-Quezada****PROBABLE CAUSE STATEMENT**

On April 23, 2008, Senior Patrol Agent V. Sivilli was assigned to Border Patrol Operations in the vicinity of Japatul Valley Road in Jamul, California. This area is approximately five miles west and twelve miles north of the Tecate, California Port of Entry.

At approximately 4:45 p.m., Senior Patrol Agent S. Barr and Agent Sivilli responded to a seismic intrusion device in the area of Japatul Valley Road. Upon arrival, Agent Barr observed several footprints. Agent Barr informed Agent Sivilli, via Service Radio, the direction in which the footprints were heading. Agent Barr and Agent Sivilli then noticed that the footprints led directly to the front door of a trailer in a compound. Agent Sivilli looked inside the window of the trailer and observed six individuals hiding inside. Agent Sivilli identified himself as a United States Border Patrol Agent and conducted an immigration inspection. All six, including one later identified as the defendant **Miguel Angel AVILA-Quezada**, admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to enter or remain in the United States legally. At 5:45 p.m., all six were arrested and transported to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on March 28, 2008** through **San Ysidro, CA**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.